

1 the fair market value of the property is less than \$100 or will be sold, a specification  
2 of the date, time and place of the sale and a statement that if the property is sold the  
3 operator shall apply the proceeds of the sale first to satisfy the lien and shall report  
4 and deliver any balance to the ~~state treasurer~~ secretary of revenue as provided under  
5 ch. 177.

6 **SECTION 2270r.** 704.90 (6) (b) of the statutes is amended to read:

7 704.90 (6) (b) The operator shall apply the proceeds of the sale first to satisfy  
8 the lien under sub. (3) (a). The operator shall report and deliver any balance to the  
9 ~~state treasurer~~ secretary of revenue as provided under ch. 177.

10 **SECTION 2271.** 705.04 (2g) of the statutes is amended to read:

11 705.04 (2g) Notwithstanding subs. (1) and (2), the department of health  
12 services may collect, from funds of a decedent that are held by the decedent  
13 immediately before death in a joint account or a P.O.D. account, an amount equal to  
14 the medical assistance that is recoverable under s. 49.496 (3) (a), an amount equal  
15 to aid under s. 49.68, 49.683, or 49.685 that is recoverable under s. 49.682 (2) (a), or  
16 an amount equal to long-term community support services under s. 46.27 that is  
17 recoverable under s. 46.27 (7g) (c) 1. and that was paid on behalf of the decedent or  
18 the decedent's spouse ~~or an amount equal to the family care benefit under s. 46.286~~  
19 ~~that is recoverable under rules promulgated under s. 46.286 (7) and that was paid~~  
20 ~~on behalf of the decedent or the decedent's spouse.~~

21 **SECTION 2271m.** 707.28 (3) (f) 2. b. of the statutes is amended to read:

22 707.28 (3) (f) 2. b. If no party held a lien or security interest junior to that of  
23 the foreclosing entity, or if all parties holding junior liens or security interests have  
24 been paid, any surplus shall be paid to the former time-share owner. If the  
25 foreclosing entity is unable to locate the former time-share owner within one year

1 after the foreclosure sale, the foreclosing entity shall deliver the surplus to the state  
2 ~~treasurer~~ secretary of revenue as provided under ch. 177.

3 **SECTION 2274m.** 765.15 of the statutes is amended to read:

4 **765.15 Fee to county clerk.** Each county clerk shall receive as a fee for each  
5 license granted the sum of \$49.50, of which \$24.50 shall become a part of the funds  
6 of the county, and \$25 shall be paid into the state treasury. The county shall use \$20  
7 of the amount that it retains from each license fee only for expenses incurred under  
8 s. 767.405. The county may, but is not required to, use any or all of the remainder  
9 of the amount that it retains for education, training, or services related to domestic  
10 violence. Each county board may increase the license fee of \$49.50 by any amount,  
11 which amount shall become a part of the funds of the county. ~~The clerk shall also~~  
12 ~~receive a standard notary fee of 50 cents for each license granted which may be~~  
13 ~~retained by the clerk if operating on a fee or part fee basis, but which otherwise shall~~  
14 ~~become part of the funds of the county.~~

15 **SECTION 2275.** 766.55 (2) (bm) of the statutes is created to read:

16 766.55 (2) (bm) An obligation incurred by a spouse that is recoverable under  
17 s. 46.27 (7g), 49.496, 49.682, or 49.849 may be satisfied from all property that was  
18 the property of that spouse immediately before that spouse's death and from all  
19 property that was marital property at any time within 5 years before that spouse  
20 applied for public assistance, as defined in s. 49.849 (1) (e), or while that spouse was  
21 eligible for public assistance, as defined in s. 49.849 (1) (e).

22 **SECTION 2276.** 767.511 (6) (intro.) of the statutes is amended to read:

23 767.511 (6) INTEREST ON ARREARAGE. (intro.) ~~A- Subject to sub. (6m),~~ a party  
24 ordered to pay child support under this section shall pay simple interest at the rate  
25 of 1% per month on any amount in arrears that is equal to or greater than the amount

1 of child support due in one month. If Subject to sub. (6m), if the party no longer has  
2 a current obligation to pay child support, interest at the rate of 1% per month shall  
3 accrue on the total amount of child support in arrears, if any. Interest under this  
4 subsection is in lieu of interest computed under s. 807.01 (4), 814.04 (4), or 815.05 (8)  
5 and is paid to the department or its designee under s. 767.57. Except as provided in  
6 s. 767.57 (1m) and except as required under federal statutes or regulations, the  
7 department or its designee shall apply all payments received for child support as  
8 follows:

9 **SECTION 2277.** 767.511 (6m) of the statutes is created to read:

10 767.511 (6m) PILOT PROGRAM ON INTEREST RATE. The department may conduct  
11 a pilot program under which the interest that accrues on the amounts in arrears  
12 specified in sub. (6) and in s. 767.531 shall be at the rate of 0.5 percent per month  
13 instead of 1 percent per month. If the department conducts a pilot program under  
14 this subsection, the program may begin at any time after December 31, 2013, but  
15 shall end on June 30, 2015, and the new rate shall apply to interest that accrues  
16 during that time. At the end of the pilot program, if any, the interest rate shall revert  
17 to 1 percent per month, except that the department may request to extend the lower  
18 interest rate by submitting a proposal to the joint committee on finance. Any  
19 proposal to extend the lower interest rate submitted by the department shall include  
20 information showing the amount of the reduction in arrears owed, and the increase  
21 in the number and dollar amount of payments received towards arrears, due to the  
22 lower interest rate. If the department submits a proposal to extend the lower interest  
23 rate and the cochairpersons of the committee do not notify the department within 14  
24 working days after the date that the department submits the proposal that the  
25 committee has scheduled a meeting for the purpose of reviewing the proposal, the

1 proposal may be implemented. If, within 14 working days after the date that the  
2 department submits a proposal to extend the lower interest rate, the cochairpersons  
3 notify the department that the committee has scheduled a meeting for the purpose  
4 of reviewing the proposal, the proposal may be implemented only upon approval of  
5 the committee.

6 **SECTION 2278.** 767.531 (intro.) of the statutes is amended to read:

7 **767.531 Family support.** (intro.) The court may make a financial order  
8 designated “family support” as a substitute for child support orders under s. 767.511  
9 and maintenance payment orders under s. 767.56. ~~A- Subject to s. 767.511 (6m), a~~  
10 party ordered to pay family support under this section shall pay simple interest at  
11 the rate of 1% per month on any amount in arrears that is equal to or greater than  
12 the amount of child support due in one month. ~~If Subject to s. 767.511 (6m), if the~~  
13 party no longer has a current obligation to pay child support, interest at the rate of  
14 1% per month shall accrue on the total amount of child support in arrears, if any.  
15 Interest under this section is in lieu of interest computed under s. 807.01 (4), 814.04  
16 (4), or 815.05 (8) and is paid to the department or its designee under s. 767.57. Except  
17 as provided in s. 767.57 (1m), the department or its designee shall apply all payments  
18 received for family support as follows:

19 **SECTION 2279.** 767.57 (1m) (intro.) of the statutes is amended to read:

20 **767.57 (1m) OVERPAYMENT.** (intro.) ~~Notwithstanding ss. 767.511 (6) and~~  
21 ~~767.531, if~~ If the department or its designee receives support or maintenance money  
22 that exceeds the amount due in the month in which it is received and the department  
23 or its designee determines that the excess amount is for support or maintenance due  
24 in a succeeding month, the department or its designee may hold the amount of

1 overpayment that does not exceed the amount due in the next month for  
2 disbursement in the next month if any of the following applies:

3 **SECTION 2279m.** 770.17 of the statutes is amended to read:

4 **770.17 Fees to county clerk.** Each county clerk shall receive as a fee for each  
5 declaration of domestic partnership issued and for each certificate of termination of  
6 domestic partnership issued the same amount that the clerk receives for issuing a  
7 marriage license under s. 765.15. Of the amount that the clerk receives under this  
8 section, the clerk shall pay into the state treasury the same amount that the clerk  
9 pays into the state treasury from the fee collected for issuing a marriage license. The  
10 remainder shall become a part of the funds of the county. ~~For each declaration of~~  
11 ~~domestic partnership issued and for each certificate of termination of domestic~~  
12 ~~partnership issued, the clerk shall also receive a standard notary fee in the same~~  
13 ~~amount that the clerk receives as a standard notary fee in connection with issuing~~  
14 ~~a marriage license and that may be retained by the clerk if the clerk is operating on~~  
15 ~~a fee or part-fee basis but which otherwise shall become part of the funds of the~~  
16 ~~county.~~

17 **SECTION 2280.** 788.01 of the statutes is amended to read:

18 **788.01 Arbitration clauses in contracts enforceable.** A provision in any  
19 written contract to settle by arbitration a controversy thereafter arising out of the  
20 contract, or out of the refusal to perform the whole or any part of the contract, or an  
21 agreement in writing between 2 or more persons to submit to arbitration any  
22 controversy existing between them at the time of the agreement to submit, shall be  
23 valid, irrevocable and enforceable except upon such grounds as exist at law or in  
24 equity for the revocation of any contract. This chapter shall not apply to contracts  
25 between employers and employees, or between employers and associations of

1 employees, except as provided in s. 111.10, nor to agreements to arbitrate disputes  
2 under s. ~~101.143~~ 292.63 (6s) or 230.44 (4) (bm).

3 **SECTION 2282.** 813.125 (7) of the statutes, as affected by 2011 Wisconsin Act  
4 266, is amended to read:

5 813.125 (7) PENALTY. Whoever violates a temporary restraining order or  
6 injunction issued under this section shall be fined not more than \$10,000 or  
7 imprisoned not more than ~~90 days~~ 9 months or both.

8 **SECTION 2283g.** 813.129 (3) (a) of the statutes, as created by 2011 Wisconsin  
9 Act 266, is renumbered 813.129 (3).

10 **SECTION 2283r.** 813.129 (3) (b) of the statutes, as created by 2011 Wisconsin  
11 Act 266, is repealed.

12 **SECTION 2285m.** 814.605 of the statutes is created to read:

13 **814.605 Criminal actions; bail bond fees.** Whenever a person who is  
14 released under s. 969.02 or 969.03 uses a surety that is a bail bond agent or bail bond  
15 agency that is licensed under s. 440.282 (1) or (2), the bail bond agent or bail bond  
16 agency that posted the bond shall, at the time the bail bond is posted, pay to the clerk  
17 of circuit court a fee equal to 3 percent of the bail bond amount. The clerk of circuit  
18 court shall retain the fee paid under this section for the use of the county.

19 **SECTION 2286.** 814.67 (1) (c) (intro.) of the statutes is renumbered 814.67 (1)  
20 (c) 1. a. and amended to read:

21 814.67 (1) (c) 1. a. ~~For traveling, going and returning~~ Traveling from his or her  
22 residence ~~if within the state; or, if without the state, from the point where he or she~~  
23 ~~crosses the state boundary to the place of attendance, and returning by the usually~~  
24 ~~traveled route between such points; if his or her residence is within the state.~~

1           **SECTION 2287.** 814.67 (1) (c) 1. of the statutes is renumbered 814.67 (1) (c) 1.  
2 (intro.) and amended to read:

3           814.67 (1) (c) 1. (intro.) For ~~witnesses~~ a witness, the rate of 20 cents per mile.  
4 for either of the following:

5           **SECTION 2288.** 814.67 (1) (c) 1. b. of the statutes is created to read:

6           814.67 (1) (c) 1. b. Traveling from the point where he or she crosses the state  
7 boundary to the place of attendance and returning by the usually traveled route  
8 between such points if his or her residence is outside the state.

9           **SECTION 2289.** 814.67 (1) (c) 2. of the statutes is renumbered 814.67 (1) (c) 2.  
10 a. and amended to read:

11           814.67 (1) (c) 2. a. For ~~interpreters~~ Except as provided in subd. 2. b., for an  
12 interpreter, the mileage rate set under s. 20.916 (8) for traveling from his or her  
13 residence to the place of attendance and returning by the usually traveled route  
14 between such points.

15           **SECTION 2290.** 814.67 (1) (c) 2. b. of the statutes is created to read:

16           814.67 (1) (c) 2. b. For an interpreter traveling to the place of attendance from  
17 his or her place of residence outside the state, the number of miles between the  
18 interpreter's residence and the point at which he or she crosses the state boundary  
19 for which the interpreter may receive reimbursement under this subdivision may not  
20 exceed 100 miles each way, following the usually traveled route between such points.

21           **SECTION 2291.** 814.75 (7) of the statutes is amended to read:

22           814.75 (7) The deoxyribonucleic acid analysis surcharge under s. 973.046 (1r).

23           **SECTION 2291m.** 814.75 (8r) of the statutes is created to read:

24           814.75 (8r) The crime prevention funding board surcharge under s. 973.0455.

25           **SECTION 2292.** 814.76 (5) of the statutes is amended to read:

1           814.76 (5) The deoxyribonucleic acid analysis surcharge under s. 973.046 (1r).

2           **SECTION 2293m.** 814.76 (5m) of the statutes is created to read:

3           814.76 (5m) The crime prevention funding board surcharge under s. 973.0455.

4           **SECTION 2294.** 859.02 (2) (a) of the statutes is amended to read:

5           859.02 (2) (a) It is a claim based on tort, on a marital property agreement that  
6 is subject to the time limitations under s. 766.58 (13) (b) or (c), on Wisconsin income,  
7 franchise, sales, withholding, gift, or death taxes, or on unemployment insurance  
8 contributions due or benefits overpaid; a claim for funeral or administrative  
9 expenses; a claim of this state under s. 46.27 (7g), 49.496 or, 49.682, or rules  
10 promulgated under s. 46.286 ~~(7)~~ 49.849; or a claim of the United States; or

11           **SECTION 2295.** 859.07 (2) (a) 3. of the statutes is amended to read:

12           859.07 (2) (a) 3. The decedent or the decedent's spouse received the family care  
13 benefit under s. 46.286 services provided as a benefit under a long-term care  
14 program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV of ch.  
15 49, long-term community support services funded under s. 46.27 (7), or aid under s.  
16 49.68, 49.683, or 49.685.

17           **SECTION 2295d.** 863.37 (2) (a) of the statutes is amended to read:

18           863.37 (2) (a) Whenever payment of a legacy or a distributive share cannot be  
19 made to the person entitled to payment or it appears that the person may not receive  
20 or have the opportunity to obtain payment, the court may, on petition of a person  
21 interested or on its own motion, order that the funds be paid or delivered to the state  
22 ~~treasurer~~ secretary of revenue for deposit as provided under s. 177.23. Claims on the  
23 funds may be made under s. 863.39 within 10 years after the date of publication  
24 under s. 177.18. When a claimant to the funds resides outside the United States or



1 its territories the court may require the personal appearance of the claimant before  
2 the court.

3 **SECTION 2295h.** 863.39 (1) of the statutes is amended to read:

4 863.39 (1) GENERALLY. If any legacy or intestate property is not claimed by the  
5 distributee within 120 days after entry of final judgment, or within the time  
6 designated in the judgment, it shall be converted into money as close to the inventory  
7 value as possible and paid to the ~~state treasurer~~ secretary of revenue for deposit as  
8 provided under s. 177.23. Claims for the money shall be made under sub. (3).

9 **SECTION 2295p.** 863.39 (3) (title) of the statutes is amended to read:

10 863.39 (3) (title) RECOVERY OF MONEY FROM STATE TREASURER.

11 **SECTION 2295t.** 863.39 (3) (a) of the statutes is amended to read:

12 863.39 (3) (a) Within 10 years after the date of publication under s. 177.18, any  
13 person claiming any amount deposited under sub. (1) may file in the probate court  
14 in which the estate was settled a petition alleging the basis of his or her claim. The  
15 court shall order a hearing upon the petition, and 20 days' notice of the hearing and  
16 a copy of the petition shall be given by the claimant to the department of revenue and  
17 to the attorney general, who may appear for the state at the hearing. If the claim is  
18 established it shall be allowed without interest, but including any increment which  
19 may have occurred on securities held, and the court shall so certify to the department  
20 of administration, which shall audit the claim. The ~~state treasurer~~ secretary of  
21 revenue shall pay the claim out of the appropriation under s. ~~20.585 (1)~~ 20.566 (4)  
22 (j). Before issuing the order distributing the estate, the court shall issue an order  
23 determining the death tax due, if any. If real property has been adjudged to escheat  
24 to the state under s. 852.01 (3) the probate court which made the adjudication may

1       adjudge at any time before title has been transferred from the state that the title  
2       shall be transferred to the proper owners under this subsection.

3       **SECTION 2296.** 867.01 (3) (am) 4. of the statutes is amended to read:

4       867.01 (3) (am) 4. Whether the decedent or the decedent's spouse received the  
5       ~~family care benefit under s. 46.286~~ services provided as a benefit under a long-term  
6       care program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV of  
7       ch. 49, long-term community support services funded under s. 46.27 (7) or aid under  
8       s. 49.68, 49.683 or 49.685.

9       **SECTION 2297.** 867.01 (3) (d) of the statutes is amended to read:

10       867.01 (3) (d) *Notice.* The court may hear the matter without notice or order  
11       notice to be given under s. 879.03. If the decedent or the decedent's spouse received  
12       ~~the family care benefit under s. 46.286~~ services provided as a benefit under a  
13       long-term care program, as defined in s. 49.496 (1) (bk), medical assistance under  
14       subch. IV of ch. 49, long-term community support services funded under s. 46.27 (7),  
15       or aid under s. 49.68, 49.683, or 49.685, the petitioner shall give notice by certified  
16       mail to the department of health services as soon as practicable after filing the  
17       petition with the court.

18       **SECTION 2298.** 867.02 (2) (am) 6. of the statutes is amended to read:

19       867.02 (2) (am) 6. Whether the decedent or the decedent's spouse received the  
20       ~~family care benefit under s. 46.286~~ services provided as a benefit under a long-term  
21       care program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV of  
22       ch. 49, long-term community support services funded under s. 46.27 (7), or aid under  
23       s. 49.68, 49.683, or 49.685.

24       **SECTION 2299.** 867.03 (1g) (c) of the statutes is amended to read:

1           867.03 (1g) (c) Whether the decedent or the decedent's spouse ever received the  
2 ~~family care benefit under s. 46.286~~ services provided as a benefit under a long-term  
3 care program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV of  
4 ch. 49, long-term community support services funded under s. 46.27 (7) or aid under  
5 s. 49.68, 49.683 or 49.685.

6           **SECTION 2300.** 867.03 (1m) (a) of the statutes is amended to read:

7           867.03 (1m) (a) Whenever an heir, trustee, or person who was guardian of the  
8 decedent at the time of the decedent's death intends to transfer a decedent's property  
9 by affidavit under sub. (1g) and the decedent or the decedent's spouse ever received  
10 ~~the family care benefit under s. 46.286~~ services provided as a benefit under a  
11 long-term care program, as defined in s. 49.496 (1) (bk), medical assistance under  
12 subch. IV of ch. 49, long-term community support services funded under s. 46.27 (7),  
13 or aid under s. 49.68, 49.683, or 49.685, the heir, trustee, or person who was guardian  
14 of the decedent at the time of the decedent's death shall give notice to the department  
15 of health services of his or her intent. The notice shall include the information in the  
16 affidavit under sub. (1g) and the heir, trustee, or person who was guardian of the  
17 decedent at the time of the decedent's death shall give the notice by certified mail,  
18 return receipt requested.

19           **SECTION 2301.** 867.03 (1m) (b) of the statutes is amended to read:

20           867.03 (1m) (b) An heir, trustee, or person who was guardian of the decedent  
21 at the time of the decedent's death who files an affidavit under sub. (1g) that states  
22 that the decedent or the decedent's spouse received ~~the family care benefit under s.~~  
23 ~~46.286~~ services provided as a benefit under a long-term care program, as defined in  
24 s. 49.496 (1) (bk), medical assistance under subch. IV of ch. 49, long-term community  
25 support services funded under s. 46.27 (7), or aid under s. 49.68, 49.683, or 49.685

1 shall attach to the affidavit the proof of mail delivery of the notice required under par.  
2 (a) showing ~~a the delivery date that is not less than 10 days before the day on which~~  
3 ~~the heir, trustee, or person who was guardian of the decedent at the time of the~~  
4 ~~decedent's death files the affidavit.~~

5 **SECTION 2302.** 867.03 (2g) of the statutes is renumbered 867.03 (2g) (a) and  
6 amended to read:

7 867.03 (2g) (a) By accepting the decedent's property under this section the heir,  
8 trustee, or guardian assumes a duty to apply the property transferred for the  
9 payment of obligations according to priorities established under s. 859.25 and to  
10 distribute any balance to those persons designated in the appropriate governing  
11 instrument, as defined in s. 854.01, of the decedent or if there is no governing  
12 instrument, according to the rules of intestate succession under ch. 852, subject to  
13 par. (b). An heir or guardian may publish a notice to creditors in the same manner  
14 and with the same effect as a trustee under s. 701.065. This subsection paragraph  
15 does not prohibit any appropriate person from requesting administration of the  
16 decedent's estate under s. 856.07 or ch. 865.

17 **SECTION 2303.** 867.03 (2g) (b) of the statutes is created to read:

18 867.03 (2g) (b) Property transferred under this section to or by an heir, trustee,  
19 or guardian is subject to the right of the department of health services to recover  
20 under s. 46.27 (7g), 49.496, 49.682, or 49.849 an amount equal to the medical  
21 assistance that is recoverable under s. 49.496 (3) (a), an amount equal to aid under  
22 s. 49.68, 49.683, or 49.685 that is recoverable under s. 49.682 (2) (a), or an amount  
23 equal to long-term community support services under s. 46.27 that is recoverable  
24 under s. 46.27 (7g) (c) 1. and that was paid on behalf of the decedent or the decedent's  
25 spouse. Upon request, the heir, trustee, or guardian shall provide to the department

1 of health services information about any of the decedent's property that the heir,  
2 trustee, or guardian has distributed and information about the persons to whom the  
3 property was distributed.

4 **SECTION 2304.** 867.035 (title) of the statutes is repealed.

5 **SECTION 2305.** 867.035 (1) (a) (intro.) of the statutes is renumbered 49.849 (2)  
6 (a) (intro.) and amended to read:

7 49.849 (2) (a) (intro.) Subject to par. ~~(bm)~~ (b), the department of health services  
8 may collect from the property of a decedent, ~~including funds of a decedent that are~~  
9 ~~held by the decedent immediately before death in a joint account or a P.O.D. account,~~  
10 by affidavit under sub. ~~(2)~~ (3) ~~(b)~~ or by lien under sub. ~~(2m)~~ (4) ~~(a)~~ an amount equal  
11 to the medical assistance that is recoverable under s. 49.496 (3) (a), the long-term  
12 community support services under s. 46.27 that is recoverable under s. 46.27 (7g) (c)  
13 1., ~~the family care benefit that is recoverable under rules promulgated under s.~~  
14 ~~46.286 (7),~~ or the aid under s. 49.68, 49.683, or 49.685 that is recoverable under s.  
15 49.682 (2) (a), and that was paid on behalf of the decedent or the decedent's spouse,  
16 if all of the following conditions are satisfied:

17 **SECTION 2306.** 867.035 (1) (a) 1. of the statutes is repealed.

18 **SECTION 2307.** 867.035 (1) (a) 2. of the statutes is renumbered 49.849 (2) (a) 1.

19 **SECTION 2308.** 867.035 (1) (a) 3. of the statutes is renumbered 49.849 (2) (a) 2.

20 **SECTION 2309.** 867.035 (1) (a) 4. of the statutes is repealed.

21 **SECTION 2310.** 867.035 (1) (bm) of the statutes is renumbered 49.849 (2) (b),  
22 and 49.849 (2) (b) (intro.), as renumbered, is amended to read:

23 49.849 (2) (b) (intro.) The department of health services shall reduce the  
24 amount of its recovery under par. (a) by up to the amount specified in s. 861.33 (2)

1 if necessary to allow the decedent's heirs or beneficiaries under the decedent's will  
2 to retain the following personal property of the decedent:

3 **SECTION 2311.** 867.035 (2) of the statutes is renumbered 49.849 (3) (b) and  
4 amended to read:

5 49.849 (3) (b) A person who possesses or receives property of a decedent shall  
6 transmit the property to the department of health services, if the conditions in sub.  
7 (1) (a) 1. to 4. (2) (a) 1. and 2. are satisfied, upon receipt of an affidavit by a person  
8 designated by the secretary of health services to administer this section showing that  
9 the department paid on behalf of the decedent or the decedent's spouse recoverable  
10 benefits specified in sub. (1) (2) (a). Upon transmittal, the person is released from  
11 any obligation to other creditors or heirs of the decedent.

12 **SECTION 2312.** 867.035 (2m) (a) of the statutes is renumbered 49.849 (4) (a),  
13 and 49.849 (4) (a) (intro.), as renumbered, is amended to read:

14 49.849 (4) (a) (intro.) If the conditions condition in sub. (1) (a) 1., 2., and 4. are  
15 (2) (a) 1. is satisfied, the department of health services shall have a lien in the amount  
16 that it may recover under sub. (1) (2) (a) on any interest in the decedent's any  
17 property of the decedent that is real property, including a home, as defined in s.  
18 49.496 (1) (b), ~~transferred under s. 867.03 (1g).~~ The department may record the lien  
19 in the office of the register of deeds of the county in which the real property is located.

20 (b) The department may enforce the a lien under par. (a) by foreclosure in the  
21 same manner as a mortgage on real property, unless any of the following is alive:

22 **SECTION 2313.** 867.035 (2m) (b) of the statutes is repealed.

23 **SECTION 2314.** 867.035 (3) of the statutes is renumbered 49.849 (5) and  
24 amended to read:

1           49.849 (5) OTHER VALID CLAIMS. If a person has a valid claim against the  
2       decedent's estate property of the decedent that would have a higher priority under  
3       s. 859.25 (1) if the estate were administered property were subject to administration  
4       than the department of health services would have under s. 859.25 (1) (e) and the  
5       person demands payment in writing within one year of the date on which the  
6       property was transmitted to the department, the department shall pay to the person  
7       the value of the property collected under sub. (2) (3) or the amount of the claim,  
8       whichever is less. The department may authorize any person who possesses  
9       property of the decedent to honor higher priority claims with the decedent's property  
10      before transmitting property to the department.

11       **SECTION 2315.** 867.035 (4) of the statutes is renumbered 49.849 (6) (a) and  
12      amended to read:

13           49.849 (6) (a) From the appropriation under s. 20.435 (4) (im), with respect to  
14      funds collected by the department under sub. (1) (2) related to medical assistance  
15      paid on behalf of the decedent or the decedent's spouse, the department of health  
16      services shall pay claims under sub. (3) (5), shall pay to the federal government from  
17      the amount recovered under this section and not paid out as claims under sub. (3)  
18      (5) an amount equal to the amount of federal funds used to pay the benefits recovered  
19      under this section and shall spend the remainder of the amount recovered under this  
20      section for medical assistance benefits under subch. IV of ch. 49.

21       **SECTION 2316.** 867.035 (4m) of the statutes is renumbered 49.849 (6) (b) and  
22      amended to read:

23           49.849 (6) (b) From the appropriation under s. 20.435 (7) (im), with respect to  
24      funds collected by the department under sub. (1) (2) related to long-term community  
25      support services funded under s. 46.27 (7) paid on behalf of the decedent or the

1 decedent's spouse, the department of health services shall pay claims under sub. (3)  
2 (5) and shall spend the remainder of the funds recovered under this section for  
3 long-term community support services funded under s. 46.27 (7).

4 **SECTION 2317.** 867.035 (5) of the statutes is renumbered 49.849 (7) and  
5 amended to read:

6 49.849 (7) RULES FOR HARDSHIP WAIVER. The department of health services shall  
7 promulgate rules establishing standards to determine whether the application of  
8 this section would work an undue hardship in individual cases. If the department  
9 of health services determines that the application of this section would work an  
10 undue hardship in a particular case, the department shall waive the application of  
11 this section in that case. This subsection does not apply with respect to collecting  
12 from the property of a decedent if the decedent is a deceased nonrecipient surviving  
13 spouse.

14 **SECTION 2317p.** 889.01 of the statutes is amended to read:

15 **889.01 Publication by state as evidence of laws.** Books, pamphlets and  
16 other documents purporting to be printed by the state as copies of its statutes,  
17 legislative acts and resolutions, senate and assembly journals or orders, rules,  
18 regulations or decisions of any of its boards, departments, commissions or agencies,  
19 are prima facie evidence that they are such publications as they purport to be, and  
20 are correct copies of such statutes, acts, resolutions, journals, orders, rules,  
21 regulations and decisions, respectively; and such printed journals of said houses,  
22 respectively, are prima facie evidence of their proceedings. Electronic documents  
23 purporting to be published by the legislative reference bureau under ss. 35.095 (3)  
24 (a), 35.18 (1) (b), and 35.93 as copies of Wisconsin's statutes, legislative acts, or  
25 administrative rules are prima facie evidence that they are such publications as they



1 purport to be and are correct copies of such statutes, legislative acts, and  
2 administrative rules.

3 **SECTION 2318.** 893.33 (4r) of the statutes is created to read:

4 893.33 (4r) This section applies to liens of the department of health services  
5 on real property under ss. 46.27 (7g), 49.496, 49.682, 49.848, and 49.849.

6 **SECTION 2318e.** 895.046 (1) of the statutes is renumbered 895.046 (1r).

7 **SECTION 2318f.** 895.046 (1g) of the statutes is created to read:

8 895.046 (1g) LEGISLATIVE FINDINGS AND INTENT. The legislature finds that it is  
9 in the public interest to clarify product liability law, generally, and the application  
10 of the risk contribution theory of liability first announced by the Wisconsin Supreme  
11 Court in *Collins v. Eli Lilly Company*, 116 Wis. 2d 166 (1984), specifically, in order  
12 to return tort law to its historical, common law roots. This return both protects the  
13 rights of citizens to pursue legitimate and timely claims of injury resulting from  
14 defective products, and assures that businesses may conduct activities in this state  
15 without fear of being sued for indefinite claims of harm from products which  
16 businesses may never have manufactured, distributed, sold, or promoted, or which  
17 were made and sold decades ago. The legislature finds that the application of risk  
18 contribution to former white lead carbonate manufacturers in *Thomas v. Mallet*, 285  
19 Wis. 2d 236 (2005), was an improperly expansive application of the risk contribution  
20 theory of liability announced in *Collins*, and that application raised substantial  
21 questions of deprivation of due process, equal protection, and right to jury trial under  
22 the federal and Wisconsin constitutions. The legislature finds that this section  
23 protects the right to a remedy found in article I, section 9, of the Wisconsin  
24 Constitution, by preserving the narrow and limited application of the risk  
25 contribution theory of liability announced in *Collins*.

1           **SECTION 2318g.** 895.046 (2) of the statutes is amended to read:

2           895.046 (2) **APPLICABILITY.** This section applies to all actions in law or equity,  
3           whenever filed or accrued, in which a claimant alleges that the manufacturer,  
4           distributor, seller, or promoter of a product is liable for an injury or harm to a person  
5           or property, including actions based on allegations that the design, manufacture,  
6           distribution, sale, or promotion of, or instructions or warnings about, a product  
7           caused or contributed to a personal injury or harm to a person or property, a private  
8           nuisance, or a public nuisance, and to all related or independent claims, including  
9           unjust enrichment, restitution, or indemnification.

10          **SECTION 2318f.** 895.514 of the statutes is created to read:

11          **895.514 Civil liability exemption; Health Insurance Risk-Sharing Plan**  
12          **and Authority.** (1) In this section:

13           (a) “Authority” means the Health Insurance Risk-Sharing Plan Authority  
14           established under subch. III of ch. 149, 2011 stats.

15           (b) “Board” means the board of directors of the authority.

16           (c) “Commissioner” means the commissioner of insurance of this state.

17           (d) “Plan” means the health care insurance plan established under subch. II of  
18           ch. 149, 2011 stats.

19           (2) No cause of action of any nature may arise against, and no liability may be  
20           imposed upon, the authority, plan, or board; or any agent, employee, or director of any  
21           of them; or insurers participating in the plan; or the commissioner; or any agent,  
22           employee, or representative of the commissioner, for any act or omission by any of  
23           them in the performance of their powers and duties under ch. 149, 2011 stats., or  
24           under 2013 Wisconsin Act .... (this act), Section 9122 (1L), unless the person  
25           asserting liability proves that the act or omission constitutes willful misconduct.

1           **(3)** (a) Except as provided in 2013 Wisconsin Act ... (this act), Section 9122 (1L),  
2       neither the state nor any political subdivision of the state nor any officer, employee,  
3       or agent of the state or a political subdivision acting within the scope of employment  
4       or agency is liable for any debt, obligation, act, or omission of the authority.

5           (b) All of the expenses incurred by the authority, or the commissioner, or any  
6       agent, employee, or representative of the commissioner, in exercising its duties and  
7       powers under ch. 149, 2011 stats., or under 2013 Wisconsin Act ... (this act), Section  
8       9122 (1L), shall be payable only from funds of the authority or from the appropriation  
9       under s. 20.145 (5) (g) or (k), or from any combination of those payment sources.

10       **SECTION 2318m.** 895.52 (1) (g) of the statutes is amended to read:

11       895.52 (1) (g) “Recreational activity” means any outdoor activity undertaken  
12       for the purpose of exercise, relaxation or pleasure, including practice or instruction  
13       in any such activity. “Recreational activity” includes hunting, fishing, trapping,  
14       camping, picnicking, exploring caves, nature study, bicycling, horseback riding,  
15       bird-watching, motorcycling, operating an all-terrain vehicle or utility terrain  
16       vehicle, operating a vehicle, as defined in s. 340.01 (74), on a road designated under  
17       s. 23.115, ballooning, hang gliding, hiking, tobogganing, sledding, sleigh riding,  
18       snowmobiling, skiing, skating, water sports, sight-seeing, rock-climbing, cutting or  
19       removing wood, climbing observation towers, animal training, harvesting the  
20       products of nature, sport shooting and any other outdoor sport, game or educational  
21       activity. “Recreational activity” does not include any organized team sport activity  
22       sponsored by the owner of the property on which the activity takes place.

23       **SECTION 2319.** 938.06 (1) (title) of the statutes is amended to read:

24       938.06 (1) (title) COUNTIES WITH A POPULATION OF ~~500,000~~ 750,000 OR MORE.

25       **SECTION 2320.** 938.06 (1) (a) 1. of the statutes is amended to read:

1           938.06 (1) (a) 1. In counties with a population of ~~500,000~~ 750,000 or more, the  
2       county board of supervisors shall provide the court with the services necessary for  
3       investigating and supervising cases under this chapter by operating a children's  
4       court center under the supervision of a director who is appointed as provided in s.  
5       46.21 (1m) (a). Except as otherwise provided in this subsection, the director is the  
6       chief administrative officer of the center and of the intake and probation sections and  
7       juvenile detention facilities of the center. The director is responsible for managing  
8       the personnel of, and administering the services of, the sections and the juvenile  
9       detention facilities, and for supervising operation of the physical plant and  
10      maintenance and improvement of the buildings and grounds of the center.

11           **SECTION 2321.** 938.06 (2) (title) of the statutes is amended to read:

12           938.06 (2) (title) COUNTIES WITH A POPULATION UNDER ~~500,000~~ 750,000.

13           **SECTION 2322.** 938.06 (2) (a) of the statutes is amended to read:

14           938.06 (2) (a) In counties having less than ~~500,000~~ 750,000 population, the  
15      county board of supervisors shall authorize the county department or the court, or  
16      both, to provide intake services under s. 938.067 and the staff needed to provide  
17      dispositional services under s. 938.069. Intake services shall be provided by  
18      employees of the court or the county department and may not be subcontracted to  
19      other individuals or agencies, except as provided in par. (am). Intake workers shall  
20      be governed in their intake work, including their responsibilities for requesting the  
21      filing of a petition and entering into a deferred prosecution agreement, by general  
22      written policies established by the circuit judges for the county, subject to the  
23      approval of the chief judge of the judicial administrative district.

24           **SECTION 2323.** 938.06 (4) of the statutes is amended to read:

1           938.06 (4) STATE AID. State aid to any county for juvenile delinquency-related  
2       court services under this section shall be at the same net effective rate that each  
3       county is reimbursed for county administration under s. 48.569, except as provided  
4       in s. 301.26. Counties having a population of less than 500,000 750,000 may use  
5       funds received under ss. 48.569 (1) (d) and 301.26, including county or federal  
6       revenue sharing funds allocated to match funds received under s. 48.569 (1) (d), for  
7       the cost of providing court attached intake services in amounts not to exceed 50% 50  
8       percent of the cost of providing court attached intake services or \$30,000 per county  
9       per calendar year, whichever is less.

10           **SECTION 2324.** 938.21 (1m) of the statutes is created to read:

11           938.21 (1m) BIOLOGICAL SPECIMEN. If the juvenile has been taken into custody  
12       on the basis of a violation that would be a felony if committed by an adult in this state,  
13       the court shall determine if a biological specimen has been obtained from the juvenile  
14       under s. 165.84 (7), and if not, the court shall direct that a law enforcement agency  
15       or tribal law enforcement agency obtain a biological specimen from the juvenile and  
16       submit it to the state crime laboratories as specified in rules promulgated by the  
17       department of justice under s. 165.76 (4). If the court requires the juvenile to provide  
18       a specimen under this subsection or if a biological specimen has already been  
19       obtained from the juvenile, the court shall inform the juvenile that he or she may  
20       request expungement under s. 165.77 (4).

21           **SECTION 2325.** 938.30 (2m) of the statutes is created to read:

22           938.30 (2m) BIOLOGICAL SPECIMEN. If the juvenile is before the court on the basis  
23       of a violation that would be a felony if committed by an adult in this state, the court  
24       shall determine if a biological specimen has been obtained from the juvenile under  
25       s. 165.84 (7), and if not, the court shall direct that a law enforcement agency or tribal

1 law enforcement agency obtain a biological specimen from the juvenile and submit  
2 it to the state crime laboratories as specified in rules promulgated by the department  
3 of justice under s. 165.76 (4). If the court requires the juvenile to provide a specimen  
4 under this subsection or if a biological specimen has already been obtained from the  
5 juvenile, the court shall inform the juvenile that he or she may request expungement  
6 under s. 165.77 (4).

7 **SECTION 2325q.** 938.34 (3) (f) 1. of the statutes is amended to read:

8 938.34 (3) (f) 1. The placement may be for any combination of single or  
9 consecutive days totalling not more than ~~180~~ 365, including any placement under  
10 pars. (a) to (e). The juvenile shall be given credit against the period of detention or  
11 nonsecure custody imposed under this paragraph for all time spent in secure  
12 detention in connection with the course of conduct for which the detention or  
13 nonsecure custody was imposed.

14 **SECTION 2326.** 938.34 (6m) of the statutes is amended to read:

15 938.34 (6m) COORDINATED SERVICES PLAN OF CARE. If the report prepared under  
16 s. 938.33 (1) recommends that the juvenile is in need of a coordinated services plan  
17 of care and if an initiative under s. 46.56 has been established ~~in~~ for the county or,  
18 if applicable, ~~by~~ for a tribe, order that an assessment of the juvenile and the juvenile's  
19 family for eligibility for and appropriateness of the initiative, and if eligible for  
20 enrollment in the initiative, that a coordinated services plan of care be developed and  
21 implemented.

22 **SECTION 2327.** 938.34 (15) (a) 1. of the statutes is amended to read:

23 938.34 (15) (a) 1. If the juvenile is adjudicated delinquent on the basis of a  
24 violation that would be a felony if committed by an adult in this state or of a violation  
25 of s. 940.225, 948.02 (1) or (2), 948.025, or 948.085 (2) (3m), 941.20 (1), 944.20, 944.30,

1 944.31, 944.33 (1), 946.52, or 948.10 (1) (b), the court shall require the juvenile to  
2 provide ~~comply with the requirement under s. 165.76 (1) (am) by providing~~ a  
3 biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.  
4 The court shall inform the juvenile that he or she may request expungement under  
5 s. 165.77 (4).

6 **SECTION 2328.** 938.34 (15) (a) 2. of the statutes is repealed.

7 **SECTION 2328c.** 938.34 (15) (a) 3. of the statutes is amended to read:

8 938.34 (15) (a) 3. The results from deoxyribonucleic acid analysis of a specimen  
9 under subd. 1. ~~or 2.~~ may be used only as authorized under s. 165.77 (3). ~~The state~~  
10 ~~crime laboratories shall destroy any such specimen in accordance with s. 165.77 (3).~~

11 **SECTION 2329.** 938.34 (15) (b) of the statutes is amended to read:

12 938.34 (15) (b) ~~The department of justice shall promulgate rules providing~~  
13 ~~procedures for juveniles to provide specimens~~ Biological samples required under par.  
14 (a) and for the ~~transportation of the specimens to the state crime laboratories under~~  
15 ~~s. 165.77 1.~~ shall be obtained and submitted as specified in rules promulgated by the  
16 department of justice under s. 165.76 (4).

17 **SECTION 2333q.** 938.363 (1) (b) of the statutes is amended to read:

18 938.363 (1) (b) If a hearing is held, at least 3 days before the hearing the court  
19 shall notify the juvenile, the juvenile's parent, guardian, and legal custodian, all  
20 parties bound by the dispositional order, the juvenile's foster parent or other physical  
21 custodian described in s. 48.62 (2), and the district attorney or corporation counsel  
22 in the county in which the dispositional order was entered. If the juvenile is an  
23 Indian juvenile who is in need of protection or services under s. 938.13 (4), (6), (6m),  
24 or (7), the court shall also notify the Indian juvenile's Indian custodian and, if that  
25 juvenile is placed outside the home of his or her parent or Indian custodian, the

1 Indian juvenile's tribe. A copy of the request or proposal shall be attached to the  
2 notice. If all parties consent, the court may proceed immediately with the hearing.  
3 No revision may extend the effective period of the original order, or revise an original  
4 order under s. 938.34 (6) (am) to impose more than a total of 30 days, or under s.  
5 938.34 (3) (f) to impose more than a total of ~~180~~ 365 days, of detention, nonsecure  
6 custody, or inpatient treatment on a juvenile.

7 **SECTION 2336.** 938.48 (4) of the statutes is amended to read:

8 938.48 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and  
9 training for juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or  
10 (4n), or 938.357 (4), including serving those juveniles in their own homes, placing  
11 them in licensed foster homes or licensed group homes under s. 48.63 or in  
12 independent living situations as provided in s. 938.34 (3) (e), contracting for their  
13 care by licensed child welfare agencies, or replacing them in juvenile correctional  
14 facilities or secured residential care centers for children and youth in accordance  
15 with rules promulgated under ch. 227, except that the department may not purchase  
16 the educational component of private day treatment programs for a juvenile in its  
17 custody unless the department, the school board, as defined in s. 115.001 (7), and the  
18 state superintendent of public instruction all determine that an appropriate public  
19 education program is not available for the juvenile. Disputes between the  
20 department and the school district shall be resolved by the state superintendent of  
21 public instruction.

22 **SECTION 2336f.** 938.78 (2) (b) 1. of the statutes is amended to read:

23 938.78 (2) (b) 1. Paragraph (a) does not apply to the confidential exchange of  
24 information between an agency and another social welfare agency, a law  
25 enforcement agency, the victim-witness coordinator, a fire investigator under s.



1 165.55 (15), a health care provider, as defined in s. 146.81 (1) (a) to (p), a public school  
2 district or a private school regarding an individual in the care or legal custody of the  
3 agency. A social welfare agency that obtains information under this paragraph shall  
4 keep the information confidential as required under this section and s. 48.78. A law  
5 enforcement agency, victim–witness coordinator, or fire investigator, that obtains  
6 information under this paragraph shall keep the information confidential as  
7 required under ss. 48.396 (1) and 938.396 (1) (a). A health care provider that obtains  
8 information under this paragraph shall keep the information confidential as  
9 provided under s. 146.82. A public school that obtains information under this  
10 paragraph shall keep the information confidential as required under s. 118.125, and  
11 a private school that obtains information under this paragraph shall keep the  
12 information confidential in the same manner as is required of a public school under  
13 s. 118.125. Paragraph (a) does not apply to the confidential exchange of information  
14 between an agency and officials of a tribal school regarding an individual in the care  
15 or legal custody of the agency if the agency determines that enforceable protections  
16 are provided by a tribal school policy or tribal law that requires tribal school officials  
17 to keep the information confidential in a manner at least as stringent as is required  
18 of a public school official under s. 118.125.

19 **SECTION 2339.** 950.06 (2) of the statutes is amended to read:

20 950.06 (2) The costs of providing services under sub. (1m) shall be paid for by  
21 the county, but the county is eligible to receive reimbursement from the state for not  
22 more than 90% of the costs incurred in providing those services. The department  
23 shall determine the level of services for which a county may be reimbursed. The  
24 county board shall file a claim for reimbursement with the department. The  
25 department shall reimburse counties under this subsection from the appropriation

1 appropriations under s. 20.455 (5) (k), ~~(kk)~~ and (kp) and, on a semiannual basis, from  
2 the ~~appropriations~~ appropriation under s. 20.455 (5) ~~(e)~~ and (g).

3 **SECTION 2340.** 961.41 (5) (c) 2. of the statutes is amended to read:

4 961.41 (5) (c) 2. All moneys in excess of \$850,000 and up to \$1,275,000 plus  
5 one-third of moneys in excess of \$1,275,000 collected in each fiscal year from drug  
6 surcharges under this subsection shall be credited to the appropriation account  
7 under s. ~~20.505 (6) (ku)~~ 20.455 (2) (kv).

8 **SECTION 2341.** 961.472 (5) (b) of the statutes is amended to read:

9 961.472 (5) (b) The person is participating in a substance abuse treatment  
10 program that meets the requirements of s. ~~16.964 (12) (e)~~ 165.95 (3), as determined  
11 by the ~~office of justice assistance~~ department of justice under s. ~~16.964 (12) (i)~~ 165.95  
12 (9) and (10).

13 **SECTION 2342.** 967.11 (1) of the statutes is amended to read:

14 967.11 (1) In this section, “approved substance abuse treatment program”  
15 means a substance abuse treatment program that meets the requirements of s.  
16 ~~16.964 (12) (e)~~ 165.95 (3), as determined by the ~~office of justice assistance~~ department  
17 of justice under s. ~~16.964 (12) (i)~~ 165.95 (9) and (10).

18 **SECTION 2342c.** 969.02 (2) of the statutes is amended to read:

19 969.02 (2) In lieu of release pursuant to sub. (1), the judge may require the  
20 execution of an appearance bond with sufficient solvent sureties, or the deposit of  
21 cash in lieu of sureties. If the judge requires the execution of an appearance bond  
22 under this subsection, he or she shall determine whether the bond may be posted by  
23 a bail bond agent or bail bond agency that is licensed under s. 440.282 (1) or (2). If  
24 the judge requires a deposit of cash in lieu of sureties, the person making the cash  
25 deposit shall be given written notice of the requirements of sub. (6).

1       **SECTION 2342g.** 969.03 (1) (d) of the statutes is amended to read:

2       969.03 (1) (d) Require the execution of an appearance bond with sufficient  
3 solvent sureties, or the deposit of cash in lieu of sureties. If the judge requires the  
4 execution of an appearance bond under this paragraph, he or she shall determine  
5 whether the bond may be posted by a bail bond agent or bail bond agency that is  
6 licensed under s. 440.282 (1) or (2). If the judge requires a deposit of cash in lieu of  
7 sureties, the person making the cash deposit shall be given written notice of the  
8 requirements of sub. (4).

9       **SECTION 2342n.** 969.12 (1) of the statutes is repealed.

10       **SECTION 2342r.** 969.12 (2) of the statutes is amended to read:

11       969.12 (2) A surety under this chapter shall be a natural person, ~~except who~~  
12 is a resident of this state or a surety under s. 345.61 or, subject to s. 969.02 (2) or  
13 969.03 (1) (d), a bail bond agent or bail bond agency that is licensed under s. 440.282  
14 (1) or (2). No surety under this chapter may be compensated for acting as such a  
15 surety, except that a bail bond agent or bail bond agency that is licensed under s.  
16 440.282 (1) or (2) shall be compensated at a rate of 10 percent of the amount of the  
17 bond set.

18       **SECTION 2342w.** 969.15 of the statutes is created to read:

19       **969.15 Pretrial release; reports.** (1) The director of state courts shall create  
20 and make available to the clerks of court in Dane, Kenosha, Milwaukee, Racine, and  
21 Waukesha counties forms for reporting under this section and shall prescribe a  
22 schedule for the clerks of court to return the completed forms. The director of state  
23 courts shall require, at a minimum, annual reports from the clerks of the counties.

24       (2) The clerks of court in Dane, Kenosha, Milwaukee, Racine, and Waukesha  
25 counties shall, using the forms provided by the director of state courts and according

1 to the schedule prescribed by the director of state courts, provide the following  
2 information to the director of state courts:

3 (a) The number of persons charged in the county released pursuant to s. 969.02  
4 (1).

5 (b) The number of persons charged in the county released pursuant to s. 969.02  
6 (2) and the amount of the appearance bond required. For each person released  
7 pursuant to s. 969.02 (2) who used a surety, whether the surety is a natural person,  
8 a surety under s. 345.61, or a bail bond agent or bail bond agency that is licensed  
9 under s. 440.282 (1) or (2).

10 (c) The number of persons charged in the county released pursuant to s. 969.03  
11 (1) without bail or upon the execution of an unsecured appearance bond.

12 (d) The number of persons charged in the county released pursuant to s. 969.03  
13 (1) upon the execution of an appearance bond under s. 969.03 (1) (d), and the amount  
14 of the appearance bond required. For each person released pursuant to s. 969.03 (1)  
15 upon the execution of an appearance bond under s. 969.03 (1) (d) who used a surety,  
16 whether the surety is a natural person, a surety under s. 345.61, or a bail bond agent  
17 or bail bond agency that is licensed under s. 440.282 (1) or (2).

18 (e) The number of court orders entered under s. 969.13 (1) because a person  
19 failed to make a required court appearance and, for each order counted under this  
20 paragraph, whether the person who forfeited bail had used a surety who is a natural  
21 person, a surety under s. 345.61, or a bail bond agent or bail agency that is licensed  
22 under s. 440.282 (1) or (2).

23 (f) The amounts of bail forfeited and subsequently collected and a description  
24 of how the collected amounts were allocated by the clerk of courts and the county  
25 treasurer.

1 (g) The amounts of bail forfeited and not collected.

2 (h) The disposition of the case against every person subject to an order counted  
3 under par. (e), including a statement as to whether, when, and by whom the person  
4 was located after he or she failed to make a required court appearance.

5 (i) A statement as to the time and cost expended by the county to locate a person  
6 subject to an order counted under par. (e).

7 (3) The director of state courts shall, no later than 4 years and 4 months after  
8 the effective date of this subsection .... [LRB inserts date], submit to the chief clerk  
9 of each house of the legislature, for distribution to the legislature under s. 13.172 (2),  
10 a report summarizing the reports prepared by the clerks of court pursuant to sub. (2).

11 **SECTION 2343.** 970.02 (8) of the statutes is created to read:

12 970.02 (8) If the offense charged is a felony, the judge shall determine if a  
13 biological specimen has been obtained from the defendant under s. 165.84 (7), and,  
14 if not, the judge shall direct that a law enforcement agency or tribal law enforcement  
15 agency obtain a biological specimen from the defendant and submit it to the state  
16 crime laboratories as specified in rules promulgated by the department of justice  
17 under s. 165.76 (4). If the judge requires the defendant to provide a specimen under  
18 this subsection or if a biological specimen has already been obtained from the  
19 defendant, the judge shall inform the defendant that he or she may request  
20 expungement under s. 165.77 (4).

21 **SECTION 2344.** 971.17 (1m) (a) of the statutes is renumbered 971.17 (1m) (a)  
22 1. and amended to read:

23 971.17 (1m) (a) 1. If the defendant under sub. (1) is found not guilty by reason  
24 of mental disease or defect for a felony or a violation of s. 165.765 (1), 2011 stats., or  
25 of s. 940.225 (3m), 941.20 (1), 944.20, 944.30, 944.31, 944.33 (1), 946.52, or 948.10 (1)

1 (b), the court shall require the person to provide a biological specimen to the state  
2 crime laboratories for deoxyribonucleic acid analysis. The judge shall inform the  
3 person that he or she may request expungement under s. 165.77 (4).

4 **SECTION 2344c.** 971.17 (1m) (a) 2. of the statutes is created to read:

5 971.17 (1m) (a) 2. Biological specimens required under subd. 1. shall be  
6 obtained and submitted as specified in rules promulgated by the department of  
7 justice under s. 165.76 (4).

8 **SECTION 2345.** 973.042 (3) of the statutes is repealed.

9 **SECTION 2346.** 973.042 (5) of the statutes is amended to read:

10 973.042 (5) The secretary of administration shall credit ~~part A of the surcharge~~  
11 ~~to the appropriation account under s. 20.410 (1) (gj).~~ The secretary of administration  
12 ~~shall credit part B of the surcharge to the appropriation account under s. 20.455 (2)~~  
13 ~~(5) (gj).~~ The secretary of administration shall credit part C of the surcharge to the  
14 appropriation account under s. 20.505 (6) (gj).

15 **SECTION 2347.** 973.043 (3) of the statutes is amended to read:

16 973.043 (3) All moneys collected from drug offender diversion surcharges shall  
17 be credited to the appropriation account under s. 20.505 (6) ~~(ku)~~ 20.455 (2) (kv) and  
18 used for the purpose of making grants to counties under s. ~~16.964 (12)~~ 165.95.

19 **SECTION 2348.** 973.045 (1) of the statutes is amended to read:

20 973.045 (1) If a court imposes a sentence or places a person on probation, the  
21 court shall impose a crime victim and witness assistance surcharge. A surcharge  
22 imposed under this subsection may not be waived, reduced, or forgiven for any  
23 reason. The surcharge is the total amount calculated by adding up the amount for  
24 every misdemeanor count and every felony count as follows:

25 (a) For each misdemeanor offense or count on which a conviction occurred, \$67.

1 (b) For each felony offense or count on which a conviction occurred, \$92.

2 **SECTION 2349.** 973.045 (1r) of the statutes is repealed.

3 **SECTION 2350.** 973.045 (2) of the statutes is amended to read:

4 973.045 (2) After the clerk determines the amount due, the clerk of court shall  
5 collect and transmit the amount to the county treasurer under s. 59.40 (2) (m). The  
6 county treasurer shall then make payment to the secretary of administration under  
7 s. 59.25 (3) (f) 2. The secretary of administration shall credit to the appropriation  
8 account under s. 20.455 (5) (g) the amount paid to the secretary by the county  
9 treasurer under this subsection and any amount collected under sub. (4).

10 **SECTION 2351.** 973.045 (2m) of the statutes is repealed.

11 **SECTION 2352.** 973.045 (3) of the statutes is repealed.

12 **SECTION 2352m.** 973.0455 of the statutes is created to read:

13 **973.0455 Crime prevention funding board surcharge.** (1) If a court  
14 imposes a sentence or places a person on probation, the court shall impose a crime  
15 prevention funding board surcharge. The surcharge is the total amount calculated  
16 by adding up, for each misdemeanor or felony count on which a conviction occurred,  
17 \$20.

18 (2) After the clerk determines the amount due, the clerk of court shall collect  
19 and transmit the amount to the county treasurer under s. 59.40 (2) (n). The county  
20 treasurer shall then distribute the moneys under s. 59.25 (3) (gm).

21 **SECTION 2353.** 973.046 (1g) of the statutes is repealed.

22 **SECTION 2354.** 973.046 (1r) of the statutes is renumbered 973.046 (1r) (intro.)  
23 and amended to read:

24 973.046 (1r) (intro.) If a court imposes a sentence or places a person on  
25 probation for a violation of s. 940.225, 948.02 (1) or (2), 948.025, 948.085, the court

1 shall impose a deoxyribonucleic acid analysis surcharge of ~~\$250., calculated as~~  
2 follows:

3 **SECTION 2355.** 973.046 (1r) (a) and (b) of the statutes are created to read:

4 973.046 (1r) (a) For each conviction for a felony, \$250.

5 (b) For each conviction for a misdemeanor, \$200.

6 **SECTION 2356.** 973.047 (1f) of the statutes is amended to read:

7 973.047 (1f) If a court imposes a sentence or places a person on probation for  
8 ~~a felony conviction or for a conviction for a violation of s. 165.765 (1), 940.225 (3m),~~  
9 ~~944.20, or 948.10 (1) (b),~~ the court shall require the person to provide a biological  
10 specimen to the state crime laboratories for deoxyribonucleic acid analysis. The  
11 court shall inform the person that he or she may request expungement under s.  
12 165.77 (4).

13 **SECTION 2357.** 973.047 (1m) of the statutes is amended to read:

14 973.047 (1m) The results from deoxyribonucleic acid analysis of a specimen  
15 provided under this section may be used only as authorized under s. 165.77 (3). ~~The~~  
16 ~~state crime laboratories shall destroy any such specimen in accordance with s. 165.77~~  
17 ~~(3).~~

18 **SECTION 2358.** 973.047 (2) of the statutes is amended to read:

19 973.047 (2) ~~The department of justice shall promulgate rules providing for~~  
20 ~~procedures for defendants to provide specimens when~~ Biological samples required  
21 ~~to do so under this section and for the transportation of those specimens to the state~~  
22 ~~crime laboratories for analysis under s. 165.77 sub. (1f) shall be obtained and~~  
23 submitted as specified in rules promulgated by the department of justice under s.  
24 165.76 (4).

25 **SECTION 2358m.** 973.05 (2m) (jr) of the statutes is created to read:



1           973.05 (2m) (jr) To payment of the crime prevention funding board surcharge  
2 until paid in full.

3           **SECTION 2359.** 973.09 (3) (bg) of the statutes is created to read:

4           973.09 (3) (bg) 1. At least 90 days before the expiration date of a probationer's  
5 period of probation, the department shall notify the sentencing court and district  
6 attorney that a probationer owes an unpaid surcharge imposed under s. 973.045.  
7 Upon receiving notice from the department, the court shall schedule a probation  
8 review hearing to be held before the expiration date of the period of probation unless  
9 the probationer either pays the unpaid surcharge before the scheduled hearing date  
10 or voluntarily waives the hearing. A waiver of a probation review hearing under this  
11 paragraph must include an acknowledgment by the probationer that waiver may  
12 result in an extension of the probation period, a modification of the terms and  
13 conditions of probation, or a revocation of probation.

14           2. If the court does not extend probation, the court shall issue a judgment for  
15 the unpaid surcharge and direct the clerk of circuit court to file and enter the  
16 judgment in the judgment and lien docket. The judgment has the same force and  
17 effect as judgments entered under s. 806.10.

18           3. At a probation review hearing scheduled under subd. 1., the department has  
19 the burden of proving that the probationer owes an unpaid surcharge imposed under  
20 s. 973.045 and the amount of the unpaid surcharge. If the department proves by a  
21 preponderance of the evidence that the probationer owes an unpaid surcharge under  
22 s. 973.045, the court may, by order, extend the period of probation for a stated period  
23 or modify the terms and conditions of probation.

24           4. If the court does not extend or modify the terms of probation under subd. 3.,  
25 the court shall issue a judgment for the unpaid surcharge and direct the clerk of

1 circuit court to file and enter the judgment in the judgment and lien docket without  
2 fee. If the court issues a judgment for the unpaid surcharge, the court shall send to  
3 the department a written notification that a civil judgment has been issued for the  
4 unpaid fees. The judgment has the same force and effect as judgments entered under  
5 s. 806.10.

6 **SECTION 2360.** 973.155 (1m) of the statutes is amended to read:

7 973.155 (1m) A convicted offender shall be given credit toward the service of  
8 his or her sentence for all days spent in custody as part of a substance abuse  
9 treatment program that meets the requirements of s. ~~16.964 (12) (e)~~ 165.95 (3), as  
10 determined by the ~~office of justice assistance~~ department of justice under s. ~~16.964~~  
11 ~~(12) (i)~~ 165.95 (9) and (10), for any offense arising out of the course of conduct that  
12 led to the person's placement in that program.

13 **SECTION 2360m.** 978.12 (1) (b) of the statutes is amended to read:

14 978.12 (1) (b) *Deputy district attorneys.* Deputy district attorneys shall be  
15 employed outside the classified service. The state shall establish and adjust the  
16 salaries of deputy district attorneys in accordance with s. 230.12 (10) and the state  
17 compensation plan.

18 **SECTION 2360w.** 980.063 (1) (a) of the statutes is amended to read:

19 980.063 (1) (a) If a person is found to be a sexually violent person under this  
20 chapter, the court shall require the person to provide a biological specimen to the  
21 state crime laboratories for deoxyribonucleic acid analysis. The court shall inform  
22 the person that he or she may request expungement under s. 165.77 (4).

23 **SECTION 2361.** 980.063 (1) (b) of the statutes is amended to read:

980.063 (1) (b) The results from deoxyribonucleic acid analysis of a specimen under par. (a) may be used only as authorized under s. 165.77 (3). ~~The state crime laboratories shall destroy any such specimen in accordance with s. 165.77 (3).~~

**SECTION 2362.** 980.063 (2) of the statutes is amended to read:

980.063 (2) ~~The department of justice shall promulgate rules providing for procedures for defendants to provide specimens~~ Biological samples required under sub. (1) ~~and for the transportation of those specimens to the state crime laboratories for analysis under s. 165.77~~ (a) shall be obtained and submitted as specified in rules promulgated by the department of justice under s. 165.76 (4).

**SECTION 2363.** 995.10 (1) (i) 1. d. of the statutes is created to read:

995.10 (1) (i) 1. d. Owns an automated roll-your-own machine that is used to make cigarettes, not including an individual who owns a roll-your-own machine and uses the machine in his or her home solely to make cigarettes for his or her personal use or for the use of other individuals who live in his or her home.

**SECTION 2363m.** 2007 Wisconsin Act 20, section 9105 (1) (a) 2., as last amended by 2009 Wisconsin Act 28, section 3409n, is amended to read:

[2007 Wisconsin Act 20] Section 9105 (1) (a)

2. *Projects financed by program revenue supported borrowing:*

General Executive Facility 3 renovation —	5,304,000
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Madison

Preservation and storage facility — Madison	2,000,000
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1 (Total project all funding sources \$25,000,000)

2 State Transportation Building replacement — 50,000,000

3 Madison 196,615,000

4 **SECTION 2363p.** 2011 Wisconsin Act 32, section 9106 (1) (i) 3. is amended to

5 read:

6 [2011 Wisconsin Act 32] Section 9106 (1)

7 (i) 3. *Projects financed by program revenue supported*

8 *borrowing:*

9 La Crosse — parking ramp 7,131,000

10 (Total project all funding sources \$12,131,000)

11 Madison — Badger Athletic Performance Center 49,200,000

12 (Total project all funding sources \$76,800,000)

13 — west campus/hospital parking ramp

14 addition 25,753,000

15 (Total project all funding sources \$26,253,000)

16 — Carson Gully Commons renovation 5,000,000

17 (Total project all funding sources \$10,049,000)

18 — utility improvements 3,124,000

19 Oshkosh — Lincoln School remodeling 4,476,000

20 Platteville — residence hall upgrades 12,179,000

21 River Falls — Health and Human Performance

22 building 10,264,000

1	(Total project all funding sources \$63,512,000)	
2	Stevens Point — North Debot Residence Hall	
3	renovation	11,720,000
4	Stout — Fleming Residence Hall renovation	6,599,000
5	Superior — Ross and Hawkes halls renovation	15,276,000
6	Whitewater — <del>Bigelow and Benson halls</del>	
7	<del>renovation</del> <u>west campus residence hall upgrade</u>	
8	<u>project</u>	12,223,000
9	— Drumlin Dining Hall renovation	4,627,000

10       **SECTION 2364.** 2011 Wisconsin Act 32, section 9219 (1u) is amended to read:  
11       [2011 Wisconsin Act 32] Section 9219 (1u) APPROPRIATION LAPSES AND  
12 REESTIMATES. The governor shall take actions during the 2011–13 and 2013–15 fiscal  
13 ~~biennia~~ fiscal biennium to ensure that from general purpose revenue appropriations  
14 to the office of the governor under section 20.525 of the statutes an amount equal to  
15 \$582,200 is lapsed from sum certain appropriation accounts or is subtracted from the  
16 expenditure estimates for any other types of appropriations, or both, in each that  
17 fiscal biennium.

18       **SECTION 2364m.** 2011 Wisconsin Act 32, section 9245 (2f) is amended to read:  
19       [2011 Wisconsin Act 32] Section 9245 (2f) APPROPRIATION LAPSES AND  
20 REESTIMATES. The chief justice of the supreme court, acting as administrative head  
21 of the judicial system, shall take actions during the 2011–13 and 2013–15 fiscal  
22 biennia to ensure that from general purpose revenue and program revenue  
23 appropriations to the circuit courts under section 20.625 of the statutes, to the court  
24 of appeals under section 20.660 of the statutes, and to the supreme court under

1 20.680 of the statutes an amount equal to \$16,960,400 is lapsed from sum certain  
2 appropriation accounts or is subtracted from the expenditure estimates for any other  
3 types of appropriations, or both, in each the 2011–13 fiscal biennium, and an amount  
4 equal to \$11,807,400 is lapsed from sum certain appropriation accounts or is  
5 subtracted from the expenditure estimates for any other types of appropriations, or  
6 both, in the 2013–15 fiscal biennium.

7 **SECTION 2365.** 2011 Wisconsin Act 32, section 9255 (1) (b) is amended to read:

8 [2011 Wisconsin Act 32] Section 9255 (1) (b) Notwithstanding section 20.001  
9 (3) (a) to (c) of the statutes, but subject to paragraph (e), the secretary of  
10 administration shall lapse to the general fund from the unencumbered balances of  
11 general purpose revenue and program revenue appropriations to executive branch  
12 state agencies, other than sum sufficient appropriations and appropriations of  
13 federal revenues, an amount equal to \$174,300,000 in the 2011–13 fiscal biennium  
14 and ~~\$174,300,000 in the 2013–15 fiscal biennium.~~ Before lapsing any moneys under  
15 this paragraph, the secretary shall develop a plan for lapsing the moneys and shall  
16 submit the plan to the joint committee on finance. If the cochairpersons of the joint  
17 committee on finance do not notify the secretary within 14 working days after the  
18 date of the submittal of the plan that the committee has scheduled a meeting to  
19 review the plan, the plan may be implemented by the secretary. If, within 14 days  
20 after the date of the submittal of the plan, the cochairpersons of the committee notify  
21 the secretary that the committee has scheduled a meeting to review the plan, moneys  
22 may be lapsed only after the plan has been approved by the committee.

23 **SECTION 2365m.** 2011 Wisconsin Act 32, section 9452 (1d) is amended to read:

24 [2011 Wisconsin Act 32] Section 9452 (1d) UNIVERSITY OF WISCONSIN. The  
25 treatment of sections 16.705 (1r) (d) and (e), (2), (3) (intro.), 16.71 (1m) (by SECTION

241f) and (4), 16.72 (8), 16.73 (5), 16.78 (1), 16.993 (7), and 20.916 (10) of the statutes,  
the renumbering and amendment of section 16.417 (2) (f) of the statutes, and the  
creation of section 16.417 (2) (f) 2. of the statutes take effect on July 1, 2013, and the  
treatment of sections 19.42 (13) (b), (c), and (cm), 19.45 (11) (a) and (b), 20.865 (1) (c),  
(ci), (i), (ic), (s), and (si), ~~20.916 (10)~~, 20.923 (4g), (5), (6) (Lm) and (m), (14) (b), (15)  
(b), and (16), 36.09 (1) (e), (i), (j), and (k), 36.15 (2), 36.30, 36.52, 40.02 (30), 111.335  
(1) (cv), 111.81 (7) (ar) and (at), 111.815 (1) and (2), 111.825 (1r), (1t), (2) (a), (b), (c),  
(f), (g), (h), and (i), (3), (4), (6), and (7), 111.83 (5) (a), (b), and (c), 111.84 (2) (c), 111.91  
(4), 111.93 (2) and (3), 111.935 (2), 230.01 (1), 230.03 (3), (6), (6m), (10h), and (13),  
230.08 (2) (cm), (d), (dm), and (k), 230.10 (2), 230.12 (1) (a) 1. b. and (3) (e) (title) and  
1., and 230.34 (1) (ar) of the statutes, the repeal of sections 36.58 (5) and 230.143 (1)  
and (2) of the statutes, the renumbering of sections 111.83 (7) and 111.85 (5) of the  
statutes, the renumbering and amendment of sections ~~16.417 (2) (f)~~, 111.92 (1) (a),  
and 230.143 (intro.) of the statutes, and the creation of sections 16.417 (2) (f) 2.,  
111.83 (7) (b), 111.85 (5) (b), and 111.92 (1) (a) 2. and 3. of the statutes, ~~and SECTIONS~~  
~~9152 (1e) of this act~~ take effect on July 1, 2013 2015.

**SECTION 2365m.** 2011 Wisconsin Act 166, section 28 (1) is amended to read:

[2011 Wisconsin Act 166] Section 28 (1) TEACHING LICENSE. The treatment of  
section 118.19 (14) (a) of the statutes first applies to an application for a teaching  
license received by the department of public instruction on January 1 ~~31~~, 2014.

**SECTION 2366.** 2011 Wisconsin Act 212, section 13 (1) of the statutes is  
repealed.

**SECTION 9101. Nonstatutory provisions; Administration.**

(1) TRANSFER OF OFFICE OF JUSTICE ASSISTANCE.

1           (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
2 liabilities of the office of justice assistance, except those that are primarily related  
3 to administering federal homeland security moneys, or to reintegrating American  
4 Indians who have been incarcerated, as determined by the department of  
5 administration become the assets and liabilities of the department of justice. On the  
6 effective date of this paragraph, the assets and liabilities of the office of justice  
7 assistance that are primarily related to administering federal homeland security  
8 moneys, and not related to interoperable communications, as determined by the  
9 department of administration, become the assets and liabilities of the department  
10 of military affairs. On the effective date of this paragraph, the assets and liabilities  
11 of the office of justice assistance that are primarily related to the reintegration of  
12 American Indians who have been incarcerated, as determined by the department of  
13 administration, become the assets and liabilities of the department of corrections.

14           (b) *Employee transfers.* On the effective date of this paragraph, the incumbents  
15 holding those positions in the department of administration performing duties that  
16 are primarily related to the office of justice assistance, except those positions  
17 performing duties that are primarily related to administering federal homeland  
18 security moneys, or to reintegrating American Indians who have been incarcerated,  
19 as determined by the department of administration, are transferred to the  
20 department of justice. On the effective date of this paragraph, the incumbents  
21 holding those positions that are primarily related to administering federal homeland  
22 security moneys, and not related to interoperable communications, as determined by  
23 the department of administration, are transferred to the department of military  
24 affairs. On the effective date of this paragraph, the incumbents holding those  
25 positions that are primarily related to reintegrating American Indians who have



1     been incarcerated, as determined by the department of administration, are  
2     transferred to the department of corrections.

3           (c) *Employee status.* Employees transferred under paragraph (b) have all the  
4     rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
5     statutes in the department of justice, the department of military affairs, or the  
6     department of corrections, whichever is applicable, that they enjoyed in the office of  
7     justice assistance immediately before the transfer. Notwithstanding section 230.28  
8     (4) of the statutes, no employee so transferred who has attained permanent status  
9     in class is required to serve a probationary period.

10          (d) *Tangible personal property.* On the effective date of this paragraph, all  
11     tangible personal property, including records, of the office of justice assistance,  
12     except property that is primarily related to administering federal homeland security  
13     moneys, or property that is primarily related to reintegrating American Indians who  
14     have been incarcerated, as determined by the department of administration, is  
15     transferred to the department of justice. On the effective date of this paragraph, all  
16     tangible personal property, including records, of the office of justice assistance that  
17     is primarily related to administering federal homeland security moneys, and not  
18     related to interoperable communications, as determined by the department of  
19     administration, is transferred to the department of military affairs. On the effective  
20     date of this paragraph, all tangible personal property, including records, of the office  
21     of justice assistance that is primarily related to reintegrating American Indians who  
22     have been incarcerated, as determined by the department of administration, is  
23     transferred to the department of corrections.

24          (e) *Contracts.*

1           1. All contracts entered into by the office of justice assistance in effect on the  
2 effective date of this subdivision, except contracts that are primarily related to  
3 administering federal homeland security moneys, or are primarily related to  
4 reintegrating American Indians who have been incarcerated, as determined by the  
5 department of administration, remain in effect and are transferred to the  
6 department of justice. The department of justice shall carry out any such contractual  
7 obligations unless modified or rescinded by the department of justice to the extent  
8 allowed under the contract.

9           2. All contracts entered into by the office of justice assistance in effect on the  
10 effective date of this subdivision that are primarily related to administering federal  
11 homeland security moneys, and not related to interoperable communications, as  
12 determined by the department of administration, remain in effect and are  
13 transferred to the department of military affairs. The department of military affairs  
14 shall carry out any such contractual obligations unless modified or rescinded by the  
15 department of military affairs to the extent allowed under the contract.

16           3. All contracts entered into by the office of justice assistance in effect on the  
17 effective date of this subdivision that are primarily related to reintegrating  
18 American Indians who have been incarcerated, as determined by the department of  
19 administration, remain in effect and are transferred to the department of  
20 corrections. The department of corrections shall carry out any such contractual  
21 obligations unless modified or rescinded by the department of corrections to the  
22 extent allowed under the contract.

23           (f) *Pending matters.* Any matter pending with the office of justice assistance  
24 on the effective date of this paragraph, except matters that are primarily related to  
25 administering federal homeland security moneys, or to reintegrating American

1 Indians who have been incarcerated, as determined by the department of  
2 administration, is transferred to the department of justice, and all materials  
3 submitted to or actions taken by the office of justice assistance with respect to the  
4 pending matter are considered as having been submitted to or taken by the  
5 department of justice. Any matter pending with the office of justice assistance on the  
6 effective date of this paragraph that is primarily related to administering federal  
7 homeland security moneys, and not related to interoperable communications, as  
8 determined by the department of administration, is transferred to the department  
9 of military affairs, and all materials submitted to or actions taken by the office of  
10 justice assistance with respect to the pending matter are considered as having been  
11 submitted to or taken by the department of military affairs. Any matter pending  
12 with the office of justice assistance on the effective date of this paragraph that is  
13 primarily related to reintegrating American Indians who have been incarcerated, as  
14 determined by the department of administration, is transferred to the department  
15 of corrections, and all materials submitted to or actions taken by the office of justice  
16 assistance with respect to the pending matter are considered as having been  
17 submitted to or taken by the department of corrections.

18 (g) *Rules and orders.*

19 1. All rules promulgated for the office of justice assistance, except rules that are  
20 primarily related to administering federal homeland security moneys, or to  
21 reintegrating American Indians who have been incarcerated, as determined by the  
22 department of administration, that are in effect on the effective date of this  
23 subdivision remain in effect until their specified expiration dates or until amended  
24 or repealed by the department of justice. All orders issued by the office of justice  
25 assistance, except orders that are primarily related to administering federal

1 homeland security moneys, or to reintegrating American Indians who have been  
2 incarcerated, as determined by the department of administration, that are in effect  
3 on the effective date of this subdivision remain in effect until their specified  
4 expiration dates or until modified or rescinded by the department of justice.

5       2. All rules promulgated for the office of justice assistance that are primarily  
6 related to administering federal homeland security moneys, and not related to  
7 interoperable communications, as determined by the department of administration,  
8 and that are in effect on the effective date of this subdivision remain in effect until  
9 their specified expiration dates or until amended or repealed by the department of  
10 military affairs. All orders issued by the office of justice assistance that are primarily  
11 related to administering federal homeland security moneys, and not related to  
12 interoperable communications, as determined by the department of administration,  
13 and that are in effect on the effective date of this subdivision remain in effect until  
14 their specified expiration dates or until modified or rescinded by the department of  
15 military affairs.

16       3. All rules promulgated for the office of justice assistance that are primarily  
17 related to reintegrating American Indians who have been incarcerated, as  
18 determined by the department of administration, and that are in effect on the  
19 effective date of this subdivision remain in effect until their specified expiration  
20 dates or until amended or repealed by the department of corrections. All orders  
21 issued by the office of justice assistance that are primarily related to reintegrating  
22 American Indians who have been incarcerated, as determined by the department of  
23 administration, and that are in effect on the effective date of this subdivision remain  
24 in effect until their specified expiration dates or until modified or rescinded by the  
25 department of corrections.

1           (2i) MACKENZIE ENVIRONMENTAL EDUCATION CENTER. The department of  
2           administration shall conduct a thorough review of the existing status and condition  
3           of the buildings, structures, and animal enclosures at the MacKenzie Environmental  
4           Education Center. The study shall include a description of the maintenance and  
5           repairs that are necessary for the buildings, structures, and animal enclosures with  
6           an estimate of the costs of doing the maintenance and repairs. After completing the  
7           study, the department of administration shall prepare a report detailing the findings  
8           of the study and shall submit the report to the joint committee on finance on a date  
9           that is no later than 90 days after the date the study is completed or on June 1, 2014,  
10          whichever is earlier.

11          (3c) 2013–15 EXECUTIVE BRANCH STATE AGENCY POSITION REDUCTIONS.

12          (a) In this subsection, “state agency” means an office, commission, department,  
13          independent agency, or board in the executive branch of state government.

14          (b) During the 2013–15 fiscal biennium, the secretary of administration shall  
15          eliminate 450.0 FTE positions in state agencies. No later than January 1, 2015, the  
16          secretary of administration shall submit a report to the joint committee on finance  
17          identifying the positions by state agency and by the appropriation account from  
18          which the positions are funded.

19          (3L) STUDY OF PUBLIC LIBRARY SYSTEMS.

20          (a) The department of administration, in consultation with the department of  
21          public instruction, shall conduct a study of public library systems in this state to  
22          identify the potential for savings by doing the following:

- 23           1. Consolidating systems.
- 24           2. Increasing the use of technology.
- 25           3. Reducing duplications and inefficiencies.

1           4. Utilizing lean production principles.

2           5. Increasing the sharing of services among library systems.

3           (b) By July 1, 2014, the department of administration shall submit a report of  
4 the study under paragraph (a) to the cochairpersons of the joint committee on  
5 finance.

6           (3s) STUDY CONCERNING CONSOLIDATION OF THE DEPARTMENTS OF SAFETY AND  
7 PROFESSIONAL SERVICES AND AGRICULTURE, TRADE AND CONSUMER PROTECTION.

8           (a) The department of administration shall conduct a study concerning the  
9 consolidation of the functions currently being performed by the departments of  
10 safety and professional services and agriculture, trade and consumer protection  
11 under a single new agency in the executive branch of state government, to be named  
12 the department of agriculture, regulation, and trade.

13           (b) In conducting the study under paragraph (a), the department of  
14 administration shall consult with the departments of safety and professional  
15 services and agriculture, trade and consumer protection and with the boards and  
16 councils attached to or under those agencies.

17           (c) In conducting the study under paragraph (a), the department of  
18 administration shall consult members of the public who may be affected by the  
19 consolidation of the departments of safety and professional services and agriculture,  
20 trade and consumer protection and the creation of the department of agriculture,  
21 regulation, and trade.

22           (d) No later than January 1, 2014, the department of administration shall  
23 submit a report of its findings from the study conducted under paragraph (a) to the  
24 joint committee on finance and, in the manner provided under section 13.172 (3) of  
25 the statutes, to the appropriate standing committees of the legislature. That report

1 shall set forth the department of administration's recommendations concerning the  
2 proposed consolidation described under paragraph (a). If the department  
3 recommends consolidation, the report shall include the department's  
4 recommendations concerning all of the following:

5 1. The organizational structure, programmatic functions, and performance  
6 objectives of the department of agriculture, regulation, and trade.

7 2. Any reduction in staff that may be accomplished as a result of the  
8 consolidation of the departments of safety and professional services and agriculture,  
9 trade and consumer protection.

10 3. Any board or council that may be eliminated as a result of the consolidation  
11 of the departments of safety and professional services and agriculture, trade and  
12 consumer protection.

13 4. Any adjustment to credentialing fees that may be appropriate and the  
14 capability of revenue from credentialing fees to support the operations of the  
15 department of agriculture, regulation, and trade.

16 5. Any function of or program under the departments of safety and professional  
17 services and agriculture, trade and consumer protection that should be transferred  
18 to an agency other than the newly created department of agriculture, regulation, and  
19 trade.

20 6. Any way to improve the services to be provided by the department of  
21 agriculture, regulation, and trade.

22 (e) If the department of administration recommends consolidation in its report  
23 under paragraph (d), the department shall also submit with that report draft  
24 legislation that implements, effective July 1, 2015, the department's  
25 recommendations made in the report.

1           (3u) POSITION ELIMINATION REPORT. (a) Not later than January 1, 2014, the  
2       department of administration shall submit a report to the cochairpersons of the joint  
3       committee on finance that identifies the funding source for, and recommends the  
4       appropriation to be decreased with regard to, each of the following FTE positions to  
5       be eliminated in the department of natural resources:

- 6           1. 7.8 GPR positions.
- 7           2. 9.1 FED positions.
- 8           3. 4.0 PR positions.
- 9           4. 11.2 SEG positions.

10          (b) If the cochairpersons of the joint committee on finance do not notify the  
11       department of administration that the committee has scheduled a meeting for the  
12       purpose of reviewing the report under paragraph (a) within 14 working days after  
13       the day on which the report is submitted, the positions shall be eliminated and the  
14       appropriations shall be decreased in the manner specified in the report. If, within  
15       14 working days after the day on which the report is submitted, the cochairpersons  
16       of the committee notify the department of administration that the committee has  
17       scheduled a meeting for the purpose of reviewing the report, no position identified  
18       in the report may be eliminated and no appropriation may be decreased with regard  
19       to that position without the approval of the committee.

20          (4q) ASSISTANCE TO LOCAL GOVERNMENTS FOR EFFICIENCY INITIATIVES. Under  
21       section 16.08 of the statutes, as created by this act, if a local governmental unit  
22       established a lean program before August 1, 2013, or the effective date of this  
23       subsection, whichever is later, a business that provides services to a local  
24       governmental unit for that lean program on or after August 1, 2013, or the effective  
25       date of this subsection, whichever is later, is eligible to receive a payment from the



1 department of administration under section 16.08 (3) of the statutes, as created by  
2 this act, for the cost of the services.

3 **SECTION 9102. Nonstatutory provisions; Agriculture, Trade and**  
4 **Consumer Protection.**

5 (1e) GRAIN INSPECTION FUNDING.

6 (a) *Plan.* The department of agriculture, trade and consumer protection shall  
7 develop a plan to transfer, by December 31, 2013, an amount equal to the amount by  
8 which the accumulated expenses for the inspection and certification of grain under  
9 section 93.06 (1m) of the statutes have exceeded the accumulated revenues from  
10 conducting that inspection and certification as of June 30, 2013, from the  
11 unencumbered balances of program revenue appropriations to the department and  
12 of the agrichemical management and agricultural chemical cleanup funds to the  
13 appropriation account under section 20.115 (1) (h) of the statutes. The department  
14 shall submit the plan to the joint committee on finance no later than November 15,  
15 2013.

16 (b) *Transfer.* If the cochairpersons of the joint committee on finance do not  
17 notify the department of agriculture, trade and consumer protection that the  
18 committee has scheduled a meeting for the purpose of reviewing the plan submitted  
19 under paragraph (a) within 14 working days after the day on which the plan is  
20 submitted, the department shall implement the plan. If, within 14 days after the day  
21 on which the plan is submitted, the cochairpersons of the committee notify the  
22 department that the committee has scheduled a meeting for the purpose of reviewing  
23 the plan, the department may only make a transfer to the appropriation account  
24 under section 20.115 (1) (h) upon approval by the committee.

25 **SECTION 9103. Nonstatutory provisions; Arts Board.**

**SECTION 9104. Nonstatutory provisions; Building Commission.**

(1) 2013-15 AUTHORIZED STATE BUILDING PROGRAM. For the fiscal years beginning on July 1, 2013, and ending on June 30, 2015, the Authorized State Building Program is as follows:

(a) DEPARTMENT OF ADMINISTRATION

1. *Projects financed by program revenue supported borrowing:*

a. Hill Farms Building D crime lab expansion	\$ 5,221,700
b. 5830 Femrite Drive, Madison, building purchase	27,000,000

2. *Agency totals:*

Program revenue supported borrowing	<u>32,221,700</u>
Total — All sources of funds	\$ 32,221,700

(b) DEPARTMENT OF CORRECTIONS

1. *Projects financed by general fund supported borrowing:*

a. Columbia Correctional Institution — health services unit	\$ 6,472,000
b. Columbia Correctional Institution — segregation unit expansion	6,000,000
c. Copper Lake School — segregation unit expansion	2,000,000